IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.56473 of 2006
RAM KUWAR SINGH YADAV
Versus
STATE OF BIHAR & ANR
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8 26-08-2008 Heard Sri Rana Ishwar Chandra, the learned counsel for the petitioner and Sri Jharkhandi Upadhaya, learned A.P.P. for the State as also Opp.Party No.2, namely, the Sub Divisional Education Officer, Biharsharif.

Strange are the ways of the Bureaucrats who indulge in activitities in such a sordid manner that an ordinary employee of the Government is kept running from pillar to post for no fault on his part and that, too, when the judicial decisions of four successive courts up to the Apex Court are in his favour.

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It appears that the petitioner was initially appointed by the then R.D.D.E., Patna vide his Memo No.601 dated 24.4.1991 to the post of a Clerk in the Office of the Area Education Officer, Piro in the district of Bhojpur, and joined his duty on 30.4.1991. It also appears that when the salary of the petitioner was not paid for quite some time, he filed C..W.J.C.No.9827 of 1992 for payment of his salary and in view of the counter affidavit filed by the State Government stating therein that the appointment letter of the petitioner was a forged one, the writ petition was disposed of on 4.3.1993 with a direction to inquire into the matter on all points. The petitioner is said to have filed Title Suit No.66 of 1995 for a declaration that the appointment of the petitioner by the then R.D.D.E. was a genuine and valid one and he is entitled to get his salary from the date of joining, in which Issue no.(vi)

framed was-"Is the alleged appointment letter of the plaintiff genuine and valid "and the same was answered in favour of the plaintiff.

The State Government preferred an appeal before the District Judge, Buxar which was dismissed. The Second Appeal No.455 of 1998 preferred by the State Government before the High Court met with the same fate and thereafter the State Government filed S.L.A. (Civil) 7196 of 2001 which was also resulted with the same fate.

Notwithstanding the categoric decisions of the Apex Court, the State Government in its counter affidavit has taken the plea that an enquiry was held into the matter and it was found that the petitioner had secured employment through a forged document.

Admittedly, the genuineness of the letter had been examined by the Subordinate Judge, District Judge, High Court and finally the Apex Court and all of them have given categorical decisions and after such categoric decisions there was no right in the department to hold a second round of enquiry and declare the document which had been declared to be genunine and bona fide by four successive Courts as forged and fabricated.

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The application succeeds and the impugned order taking cognizance is hereby quashed. State Government to pay cost of Rs.10,000/- to the petitioner.

(Abhijit Sinha, J)

NKS/-